

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION M – EVALUATION FACTORS FOR AWARD

M.1 BASIS FOR AWARD

(a) It is intended that basic a contract will be established to that is determined to be the best value to the government in accordance with FAR 15.101-1 Tradeoff process. This procurement strategy is utilized when the Government determines it may be in its best interest to consider award to other than the lowest price offeror or other than the highest technically rated offeror. While ICE is willing to pay more for greater technical capability the price must be fair and reasonable and the assessed higher technical capability must be worth the price premium. The relative importance of price will increase as the difference in technical capability among offerors decreases. Among offers determined by ICE to be essentially technically equal, price may become the deciding factor.

(b) Award Selection: The following evaluation factors listed in descending order of importance will be used in this source selection process:

- a) Technical Capability
- b) Price
- c) Past Performance
- d) Socio Economic Status/Usage

(b.1) Technical Capability - The Technical Factor assesses the technical capability of the offeror to provide the weapons required by the Statement of Work or exceeding the requirements of the Statement of Work which provide for minimum and maximum thresholds. Points are based on the offeror's evaluated capability to meet and exceed those minimum thresholds identified in the Statement of Work. Some technical evaluation subfactors are weighted more heavily than others. Additionally several factors which are not conducive to a scoring range are to be evaluated on a pass/fail basis.

The following adjectival ratings will be used to evaluate the Technical Factor:

Rating	Symbol	Definition
Outstanding	O	The offeror demonstrates its ability to provide weapons that <u>exceed</u> the standards listed in the Statement of Work and merits a score of 25 to 34 without any failures.
Very Good	V	The offeror demonstrates its ability to provide weapons that <u>exceed</u> the standards listed in the Statement of Work and merits a score of 15 to 24 points without any failures.
Acceptable	A	The offeror demonstrates its ability to provide weapons that <u>meets</u> the standards listed in the Statement of Work and received a score of 2 to 14 points without any failures.
Unacceptable	U	The offeror is unable to demonstrate its ability to provide weapons that meets the standards listed in the Statement of Work and received a score of less than 2 points and/or received one or more failures.

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(b.2) Price – For evaluation purposes only the Government will evaluate price proposals based on estimated quantities for the CLINs X001 during the base and each option year and adding each years total to achieve a total evaluated price for CLINs X001. Based on experience 2% will be added to the evaluated weapons price to account for weapons parts. That price will then be evaluated in accordance with FAR 15. Evaluation of options does not obligate the Government to exercise the options.

The proposed price shall be valid for a minimum of 120 days after receipt of proposals.

The Government will validate that any information provided in other parts of the proposal is consistent with the information provided in the price proposal. Any inconsistencies will be noted and may adversely affect the proposal evaluation.

Pricing will be incorporated into the contract as firm fixed prices and are not subject to changes through adjustments.

(b.3) Past Performance - The Government will evaluate the relevance and quality of the offeror's past performance based on the past performance references provided in the offeror's submission and/or other information obtained from references provided by the offeror, as well as other relevant past performance information obtained from other sources known to the Government. The Government reserves the right to perform customer surveys only for those contracts that are deemed by the Government to be most relevant to this procurement. An offeror without a record of past performance or for whom information on relevant past performance is not available will be evaluated as neutral. The past performance evaluation will assess the offeror's record of providing quality weapons that ensures the Statement of Work requirements are met, to include cost effectiveness and overall customer satisfaction.

Rating Definitions for Past Performance

Rating	Symbol	Definition
Neutral	N	No past performance available for evaluation. The offeror has asserted that it has no directly related or similar relevant past performance experience. The offeror receives no merit or demerit for this factor.
Outstanding	O	Based on the offeror's record of past performance, no issues, concerns, or risks are associated with receiving acceptable weapons in a timely manner. Past performance surveys and the offeror's experiences indicate that the offeror is capable of meeting the delivery requirements.
Acceptable	A	Based on the offeror's record of past performance, few issues, concerns, or risks are associated with receiving acceptable weapons in a timely manner. Past performance surveys and the offeror's experiences indicate that the

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		offeror is capable of meeting the delivery requirements.
Unacceptable	U	The offeror's record of past performance indicates it will be unable to deliver acceptable weapons in a timely manner.

(b.4) Socio Economic Status/Usage

- a. DHS Mentor-Protégé Program participation
- b. Small Disadvantaged Business Participation Program – Targets.

The offeror shall use the Protégé as a subcontractor for this procurement in order to receive credit. The proposed participation in the DHS Mentor-Protégé Program will be evaluated to determine if the offeror possesses a signed letter of mentor-protégé agreement approval from the DHS OSDBU in accordance with the following HSAR provision:

3052.219-72 Evaluation of prime contractor participation in the DHS mentor protégé program (JUNE 2006)

This solicitation contains a source selection factor or subfactor regarding participation in the DHS Mentor-Protégé Program. In order to receive credit under the source selection factor or subfactor, the offeror shall provide a signed letter of mentor-protégé agreement approval from the DHS Office of Small Business and Disadvantaged Business Utilization (OSDBU) before initial evaluation of proposals. The Contracting Officer may, in his or her discretion, give credit for approvals that occur after initial evaluation of proposals, but before final evaluation.

(End of provision)

An assessment based on the offeror's Small Disadvantaged Business (SDB) participation targets (expressed as dollars and percentages of the total value of the proposal) shall be made for the Small Disadvantaged Business Participation Sub-factor. The assessment shall be based upon the offeror's achievement of the Department's small business goals for SDB for **this specific requirement**. The Department's small business goals for the SDB socio-economic category for this specific requirement is 5%.

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The following adjectival ratings will be used to evaluate the Socio Economic Status/Usage Factor

Adjectival	Symbol	Applicable to Factor D (Socio Economic Status/Usage)
Outstanding	O	Exceeds the Department's small business goals for SDB businesses; or offeror is an SDB; or offeror is a participant in the DHS Mentor-Protégé Program.
Acceptable	A	Meets the Department's small business goals for SDB businesses.
Marginal	M	Has proposed some SDB participation, however, does not meet the Department's small business goals for SDB businesses.
Unacceptable	U	Does not propose to subcontract with a SDB business.

(c) Determination of Responsibility: Separate and independent of this evaluation, the Contracting Officer will make a determination of responsibility using the standards listed in FAR Part 9.104. In the event an offeror is deemed nonresponsible that offeror will be notified and removed from participation in this procurement.

(d) Award on Initial Offers: ICE reserves the right to award a contract based on the initial offers and may not require discussions or negotiations with the successful offerors or any other offeror. Therefore, it is critical that each offer be fully responsive to this solicitation and its provisions. Additionally, the ICE reserves the right to conduct discussions and negotiations with any individual competing offeror, some, or all competing offerors, as the situation warrants.

(e) Number of Awards: One award is anticipated under this acquisition.

(h) Pre-award Survey: ICE reserves the right to conduct a pre-award survey of any offeror, or offeror's subcontractor(s) if deemed necessary by the Contracting Officer. If a pre-award survey is conducted, it does not necessarily mean an offeror has been selected for award.

I. FEDERAL ACQUISITION REGULATIONS (48 CFR CHAPTER 1) PROVISIONS

NUMBER	TITLE	DATE
52.217-5	EVALUATION OF OPTIONS	JUL 1990

End Section M